EXPLANATION OF

41

فروع الفقه

Ibn al-Mibrad

Shaykh Ahmad Musā Jibrīl

May Allāh (سبحانه وتعالى) ease the affairs of the Shaykh, preserve him, love him, and safeguard him from all harm. May He (سبحانه وتعالى) keep him sincere, and continue to shower his life and Da'wah with His blessings, and allow the Muslims to benefit from his da'wah until the Day of Judgement. May Allāh make all his efforts weigh heavy on his scales, and make it an immense Sadaqah Jāriyah for him, his parents, and his family. May Allāh facilitate the completion of this Sharh and shower him with His aid always and forever.

SH_AHMAD_JIBRIL

SH_AHMAD_JIBRIL

T.ME/AHMAD_MUSA_JIBRIL

SHAYKH AHMAD MUSĀ JIBRĪL

SHAYKH AHMAD MUSĀ JIBRĪL

بسم الله الرحمن الرحيم

الحمد لله رب العالمين، والصلاة والسلام على أشرف الأنبياء والمرسلين، سيدنا ونبينا محمد،

وعلى آله وصحبه أجمعين، اما بعد:

RECAP

We are still on the causes of Ghusl, and the author mentioned six of them. He said;

وَفِي الطَّهَارَةِ الْكُبْرَىٰ سِتَّةٌ

*There are six causes for Ghusl (*According to the author).

1. The first one is;

الْمَنِيُّ الدَّافِقُ بِلَذَّةٍ

The ejaculation of sperm with lust and desire.

2. The second one is;

وَالْتِقَاءُ الْخِتَانَيْنِ

The meeting of the two private parts (intercourse).

3. The third one is;

وَإِسْلَام الْكَافِرِ

A disbeliever becoming Muslim.

4. The fourth one is;

وَالْحَيْضُ

Menstruation.

We said last class that Ghusl is Wājib on a woman to purify herself from Hayd, and that is by Ijmā'. And Ijmā' is related on this matter by many Ulamā. Al-Tabari, Ibn Hazm, Ibn Qudāma, al-Nawawī, and others related an Ijmā' that a woman must purify herself from Hayd when her days are completed.

5. The fifth one is

وَالنِّفَاسُ

The bleeding after childbirth.

The ruling on it is like the ruling on al-Hayd.

حكمه حكم الحيض فيما يَحِلُّ ويَحْرُمُ ويَجِبُ ويَسْقُطُ به

So it is like al-Hayd in this matter.

6. The sixth one and final one is;

وَالْمَوْتُ

Death.

As to washing the deceased, some related an Ijmā' (consensus) that it is Wājib to wash the deceased. The allegation of Ijmā' might not be so accurate due

to the dispute of the Mālikiyyah on this issue. But the matter is clear and it is very close to being an Ijmā', if not one.

And the proof is Hadīth Ummu 'Atiyyah. In Sahīh al-Bukhāri, when the Messenger ﷺ's daughter died, he clearly ordered that she be washed. He said;

اغْسِلْنَهَا

"Wash her."

And it was something consistently done on the Janāiz. From the time of the Messenger ﷺ and the centuries after that, except of course for the Shuhadā of the battlefield who are exempted.

In the same Hadīth (Hadīth Ummu 'Atiyyah), The Mālikiyyah use as proof;

إِنْ رَأَيْتُنَّ ذَلِكَ

If you wish. If you wish,

They said (إِنْ رَأَيْتُنَّ ذَلِكَ) is giving a choice to the number of washes, not to the actual washing itself.

MAS'ALAH: WHAT IF A MUSLIM IS BURIED WITHOUT BEING PROPERLY WASHED?

A small issue under this (under washing the dead), since it is Wājib; What if a Muslim is buried for some reason without being properly washed?

For example, someone in a non-Muslim country, and he doesn't have relatives at the time, and the government ends up burying him. Then, somehow the community or the relatives are able to find out about that. Or there are other various reasons why someone may be buried without a proper washing.

THE FIRST OPINION: HE SHOULD BE RE-DUG, WASHED AND RE-BURIED.

The Jumhūr; the Mālikiyyah, Shāfi'iyyah, Hanābilah, and the Dhāhiriyyah say that his grave should be re-dug, and the deceased person should be washed and re-buried again.

Why? Simply because it is a Wājib. Meaning you are obligated to do it. As we said it is a Wājib here, and you must do it. It might require some additional work here, like re-digging the grave, and then washing, and then re-burying. But it can be done, so it must be done, because it is a Wājib. That is the first opinion.

THE SECOND OPINION: HE DOESN'T NEED TO BE RE-DUG.

Second opinion is the opinion of the Hanafiyyah, and some of the Mālikiyyah, and some of the Shāfi'iyyah, and some of the Hanābilah. They said he doesn't need to be re-dug, and they use the Hadīth in Sahīh al-Bukhāri that the Messenger ﷺ

نَهَى عَنِ النُّهْبَةِ وَالْمُثْلَةِ

Forbade an-Nuhbah (robbery) and al-Muthlah (mutilation and maiming).

They considered re-digging the grave a form of mutilation of the body.

THE RĀJIH: IF THE GRAVE CAN BE RE-DUG WITHOUT ANY HARM, THEN IT SHOULD BE.

The correct opinion is that if the grave can be re-dug without any harm on the body, then it should be. Because it is a Wājib, and a Wājib must be done when one is able to.

Now, over the past many weeks, I've been reading the Matn at the start of the classes, as I usually do. And that should be helpful, if not sufficient, for one to memorize it. I said;

وَفِي الطَّهَارَةِ الْكُبْرَىٰ سِتَّةٌ

*There are six causes for Ghusl (*According to the author).

We just completed the six causes of Ghusl that the author mentioned, الحمد لله.

ADDITIONAL CAUSES OF GHUSL

And we said we're using this book as an outline. It is an outline to teach the various other opinions in Madhāhib. Just as we discussed additional nullifiers of Wudū prior to this section, we'll discuss additional causes of Ghusl as well, إن شاء الله.

So we will start on the seventh cause of Ghusl, that the author did not mention, which can actually really be under the sixth cause. Because the sixth cause of Ghusl, according to the author is;

وَالْمَوْتُ

Death.

We talked about washing the deceased, that is (A). You could tag on a (B) under there, which would be; Ghusl from the Ghusl (washing of) the deceased. It can be (6B), or it can be an independent cause. We'll mention it as an independent cause.

THE SEVENTH CAUSE OF GHUSL: (وَتَغْسِيلُ الْمَيِّتِ) GHUSL AFTER WASHING THE DECEASED.

The seventh cause is;

الْغُسْلُ مِنْ تَغْسِيلِ الْمَيِّتِ

Or if you want to add it, the style the author has;

وَتَغْسِيلُ الْمَيِّتِ

Performing Ghusl after washing the deceased.

THE FIRST OPINION: IT IS NOT SUNNAH.

The first opinion is the opinion of the Hanafiyyah. They said it is not Sunnah to do Ghusl after you perform Ghusl on someone who is dead.

PROOFS

- They said there is no authentic proof ordering Ghusl after washing a deceased.
- They said in order for it to be Wājib, there must be proof from the Quran, the Sunnah, the Ijmā' or something from the Sahābah, with no one objecting to it.
- The Muhaddithīn, like Ibn al-Mundhir and Alī ibn al-Madīnī and Imām Ahmad and others, said that there is no authentic Hadīth on the Wājib of Ghusl from washing a deceased.
- A-Hākim related that Ibn Abbās stated that there is no Ghusl required from washing a deceased. It is attributed to the Messenger ﷺ, but that narration is authentic as a statement from Ibn Abbās رضي الله عنه.

- In Musannaf Ibn Abi Shaybah, when Āishā رضي الله عنها was asked about this matter, she said there is no Ghusl required on this matter.
- Also in Musannaf Ibn Abi Shaybah, Ibn Umar رضي الله عنه shrouded a dead person and didn't touch water (meaning he didn't make Ghusl).

That is the first opinion.

THE SECOND OPINION: IT IS WĀJIB.

Second opinion is the opinion of the Hanābilahh, that it is Wājib. And Ibn Hazm adopted this opinion.

PROOFS

- Their Hadīth is

مَنْ غَسَّلَ الْمَيِّتَ فَلْيَغْتَسِلْ وَمَنْ حَمَلَهُ فَلْيَتَوَضَّأْ

Whoever washes a dead person should take a bath and whoever carries him should make Wudū.

The various narrations of this Hadīth are weak when attributed to the Messenger ﷺ. They are weak Marfū. Meaning they are weak when attributed to the Messenger ﷺ. It is authentic Mawqūf. Mawqūf means when a Sahabī (like Abu Huraira رضي الله عنه) says it, So this one is authentic as a statement of Abu Huraira رضي الله عنه.

- They also used another weak Hadīth, which is about the Messenger ﷺ;

كَانَ يَغْتَسِلُ مِنْ أَرْبَعٍ مِنَ الْجَنَابَةِ وَيَوْمَ الْجُمُعَةِ وَمِنَ الْحِجَامَةِ وَغُسْلِ الْمَيِّتِ

The Prophet ﷺ would take a bath from four causes. After intercourse, on Friday, from Hijāmah, and after washing a dead body.

That Hadīth is weak. There is weakness in its chain as in its chain is Mus'ab Ibn Shaybah. He was classified as weak by many of the Ulamā of the Hadīth.

Aside from the fact that its chain is considered weak, what adds support to its weakness is the Athar that we just took a second ago. I just said in Musannaf Ibn Abi Shaybah Āishā was asked and she gave a fatwa about Ghusl from washing the deceased. The Athar that is used in the first opinion, that is authentic. Āishā said there is no Ghusl on one who washes the dead person. That gives additional support to the weakness of this Hadīth here. The Hadīth that is in Sunan Abu Dāwūd that states that the Messenger ﷺ used to perform Ghusl from four things and one of them is washing a deceased.

If the Hadīth that the Messenger ﷺ washed from four matters was authentic, Āishā رضي الله عنها wouldn't give a fatwa countering that. Āishā wouldn't narrate a Hadīth (that is in Sunan Abu Dāwūd) that there is Ghusl from four matters (washing the deceased being one) and then give a fatwa (that is in Mus'anaf ibn Abi Shaybah and it is authentic), countering that. So, it is weak in its chain, and it is weak because Āishā gave a fatwa countering it.

The first opinion is that it is not Sunnah. Second opinion is that it is Wājib.

THE THIRD OPINION: IT IS SUNNAH.

Third opinion is that it is Sunnah. Mālikiyyah Shafi'iyya al-Hassan al-Basrī and Ibrāhīm al-Nakhāī said it is Sunnah to perform Ghusl after washing a dead person.

PROOFS

- Their proof is the proof for the previous opinion (the opinion who said it is Wājib/ the second opinion). But they said it is diverted from Wujūb to being a Sunnah.

  Why? They said because of the Hadīth that is related in Dāraqutnī and al-Bayhaqi mentioned it in al-Sunan al-Kubrā, that Ibn Umar said;

  كُنَّا نُغَسِّلُ الْمَيِّتَ فَمِنَّا مَنْ يَغْتَسِلُ وَمِنَّا مَنْ لا يَغْتَسِلُ

  We used to wash the deceased. Some of us would perform Ghusl and some of us didn't.

  And it appears to be authentic.

  They said that Athar differs the proofs in the second opinion from being Wājib to being Sunnah. Because Ibn Umar رضي الله عنهما said; *"some of us would perform Ghusl, some of us didn't."* If it was Wājib, they would have all performed Ghusl. So that shows it is Sunnah.

- They also used another Hadīth that is in Muwatta Mālik; Hadīth Asmā bint Umais رضي الله عنها, who is the wife of Abu Bakr as-Siddiq رضي الله عنه. She washed Abu Bakr as-Siddiq رضي الله عنه, then went out to the Muhājirīn and asked them *"I'm fasting and it is a cold day, do I have to perform Ghusl?"* Meaning I washed Abu Bakr as-Siddiq and do I have to perform Ghusl? They said no, allegedly. That would have been a decisive Hadīth on this matter, but it is not authentic.

THE RĀJIH: IT IS NOT WĀJIB NOR SUNNAH.

The correct opinion on this matter is that it is clearly not Wājib. Because the Imāms of Hadīth, Imām Ahmad, Alī ibn al-Madīnī, Ibn al-Mundhir, al-Nawawī and others, clearly stated that there is no authentic Hadīth that says that Ghusl from washing a deceased is Wājib. They said there is no authentic Hadīth on that. What gives it additional support is the Hadīth that is in Sahīh al-Bukhāri,

إِنَّ الْمُؤْمِنَ لاَ يَنْجُسُ

A believer never becomes impure.

Touching the believer, dead or alive, does not make one impure.

What brings it close to being a Sunnah is the Athar of Ibn Umar رضي الله عنهما. Al-Khatīb al-Baghdādī related it and Ibn Hajar authenticated it. Ibn Umar رضي الله عنهما said:

كُنَّا نُغَسِّلُ الْمَيِّتَ فَمِنَّا مَنْ يَغْتَسِلُ وَمِنَّا مَنْ لا يَغْتَسِلُ

We used to wash the deceased. Some of us would perform Ghusl and some of us didn't.

Some of the Ulamā of Shafi'iyya said the wisdom behind the Ghusl after washing a dead person is to recover and freshen up from fatigue and physical weakness that is caused by being around a lifeless body for some time.

There was once upon a time in our area where there wasn't a single woman who knew how to properly wash a deceased person. We are talking about the 70s. And my mother would be called in to do that. May Allah raise her rank in Firdaus (Aameen). She would help in desperate times. And as a child, I would see families generously offering her gifts or money in return and not once did she ever accept any compensation. And it was a lesson I learned from her and from my father as well. May Allah give him a long life full of deeds. And I ask Allah to accept from her and that she is reaping the fruit of it now

where she is at (Aameen). The point being is that every time she came back, I remember this as a child, she would come back sick for several days.

Washing the dead person, seeing someone dead for the duration that it takes to wash someone and the way you handle him is horrific. It is among the most horrific scenes one can see. For those who contemplate and know what is to come in the Ākhirah. So maybe in the narration of Ibn Umar that some chose to perform the Ghusl because of that wisdom.

The opinion that Ghusl is not even Sunnah is also very strong. And it is what was adopted by Abdullāh ibn al-Mubārak. He said there is no Ghusl or Wudū from washing a deceased. And I believe that is somewhat closer to being right.

THE EIGHTH CAUSE OF GHUSL: (الغُسْلُ مِنَ الْحِجَامَة) GHUSL AFTER HIJĀMAH.

The eighth cause is;

الغُسْلُ مِنَ الْحِجَامَة

Ghusl after Hijāmah.

This is the second one that the author didn't mention. And there is supposedly an Ijmā' related by some that Ghusl after Hijāmah is not Wājib. I wouldn't even mention it here because we're dealing with the Wājibat. The Ghusl that you must do. However, there are two reasons why I'll include it. The first one is that it is a very common question that I get. There is a misconception among some that you must do Ghusl after Hijāmah.

The second reason is something that at-Tahāwī mentioned. At-Tahāwī mentioned that his reason for choosing Ghusl after Hijāmah to be a Mustahab is because it is a way

out of the dispute. What that statement implies is that, there are people who say it is not Mustahab and some who say it is Wājib. So he is going in between and saying it is Mustahab to get out of the dispute. You can infer from the statement of at-Tahāwī that there are some who may say it is Wājib.

I don't know of any authentic and clear statement by any Alīm or any Sahabī who said Ghusl from Hijāmah is Wājib. And I don't know any proof on it. And the reason I mentioned it, as I said, is because it is a frequent question and a misconception some have that Ghusl from Hijāmah is Wājib. And also, from the statement of al-Tahāwī, there is a possibility that there may be an opinion that it is Wājib.

THE FIRST OPINION: IT IS SUNNAH.

The first opinion is that it is Sunnah. That is the opinion of Hanafiyyah, Shāfi'iyyah, and one of the opinions of the Hanābilah.

PROOFS

- They related an Athar on Alī رضي الله عنه. As-Shafi'i related that;

أَنَّ عَلِيًّا كَانَ يَغْتَسِلُ مِنَ الْحِجَامَةِ

Alī رضي الله عنه used to perform Ghusl from Hijāmah.

- Also they used as proof the Hadīth that we took earlier that we said it is weak. Hadīth Āishā رضي الله عنها in Sunan Abu Dawud.

أَنَّ النَّبِيَّ صلى الله عليه وسلم كَانَ يَغْتَسِلُ مِنْ أَرْبَعٍ مِنَ الْجَنَابَةِ وَيَوْمِ الْجُمُعَةِ وَمِنَ الْحِجَامَةِ وَمِنْ غُسْلِ الْمَيِّتِ

The Prophet ﷺ would take a bath from four causes. After intercourse, on Friday, from Hijāmah, and after washing a dead body.

And we said that it is weak.

- Their third proof is a weak Athar by Abdullah ibn Amr that he said; *"Perform Ghusl from Hijāmah."* But that is weak.
- The fourth Athar is by Ibn Abbās رضي الله عنه in Musannaf Ibn Abi Shaybah and it is authentic. He said;

إِذَا احْتَجَمَ الرَّجُلُ فَلْيَغْتَسِلْ . وَلَمْ يَرَهُ وَاجِبًا

if someone does Hijāmah, let him do Ghusl, and it is not Wājib.

THE SECOND OPINION: IT IS NOT MUSTAHAB.

Some Hanābilah said it is not Mustahab.

THE THIRD OPINION: IT IS NOT WĀJIB NOR MUSTAHAB.

Ibn al-Jawzi said it is not Wājib, nor Mustahab, by Ijmā' to do Ghusl from Hijāmah.

PROOF

Their proof is an authentic narration that Ibn Umar رضي الله عنه performed Hijāmah and washed the area, which means he didn't do Ghusl, he just washed the area.

THE RĀJIH: THE SUNNAH IS NOT TO PERFORM GHUSL AFTER HIJĀMAH.

The Rājih is that, we know for a fact and it was related to us that the Messenger ﷺ performed Hijāmah, but we don't have any narration that was related to us that says he made Ghusl afterwards. If it was Sunnah, he would have done it to teach us. And if he did it, it would have been related to us. When it is confirmed he did do Hijāmah but no Ghusl, then that (not performing Ghusl after Hijāmah) is the Sunnah.

The Sahābah who performed Ghusl, or mentioned it, it may be out of cleanliness. So we say the Sunnah is that there is no Ghusl by Wujūb or Istihbāb from Hijāmah. The Sahābah who did it, it is most likely that they did it out of cleanliness due to the bleeding afterwards or to freshen themselves up because it causes fatigue and weakness.

And with this, we'll stop right here إن شاء الله.

وصلى الله على سيدنا محمد وعلى آله وصحبه وسلم

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